

## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 FEBRUARY 2010 at 9.30 A.M.**

**PRESENT:** Councillors Blackwood, Kenna, McLuckie, Nicol, Nimmo and Waddell.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Provost Reid.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Licensing Co-ordinator (B Douglas); Licensing Enforcement Officer (B Samson); Solicitor (F Kobiela) and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** None.

**CL67. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 13 January 2010.

**CL68. LICENSING REVIEW**

At the invitation of the Convener, the Licensing Co-ordinator updated the Committee on progress with the review of civic licensing matters and confirmed that he anticipated reporting formally to Committee after the summer recess.

**CL69. EXCLUSION OF PUBLIC**

**RESOLVED** in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

**CL70. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr G, entered the meeting together with his representative, Mr S.

Inspector Fleming and Sergeant Simpson, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the applicant's record.

Having heard from Inspector Fleming in explanation of the late submission of a Police letter of objection, the Committee was satisfied that there was sufficient reason why it had not been made in time and **AGREED** that the letter be admitted in evidence, in accordance with section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the Police's objection was then circulated to the Committee.

Inspector Fleming spoke in amplification of the Police's objection.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr G, his representative, Mr S, Inspector Fleming and Sergeant Simpson left and were then recalled to the meeting.

**AGREED:-**

- (1) to **RENEW** the licence subject to the standard conditions for a period of six months together a warning letter detailing concerns in relation to applicant's previous offences and future conduct; and
- (2) that on any application for a future renewal of the licence, the application should be determined by Committee.

**CL71. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr C, entered the meeting together with his representative, Mr S.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and responses received.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission.

The applicant, Mr G and his representative Mr S, left and were then recalled to the meeting.

**AGREED to GRANT** renewal of the licence for a period of one year, subject to the standard conditions and with the additional condition that the applicant continue to have regular eye examinations with an optician.

**NOTED** that a report will be submitted to a future meeting of Committee expanding on the background to, and purpose of, the eye sight standards applicable to taxi drivers.

**CL72. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE No 073**

The applicant, Mr D, entered the meeting together with his Personal Assistant, Mr K, and the manager of the premises for which a licence was sought, Mr S.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the new late hours catering licence policy and conditions and location plan.

Mr D spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission.

The applicant, Mr D, his Personal Assistant, Mr K, and the manager, Mr S, left and were then recalled to the meeting.

**AGREED to GRANT** renewal of the licence, subject to the standard conditions and the additional condition that the applicant ensure that the area around the premises is regularly monitored, cleaned and maintained.

**CL73. APPLICATION FOR THE GRANT OF AN ADDITIONAL TAXI OPERATOR LICENCE**

A representative of the applicant company, Mr B, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the grant of an additional taxi operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses

received; and (c) confirming the record of the applicant company's Directors.

Mr B spoke in support of his company's application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the additional licence subject to the standard conditions.

**CL74. APPLICATIONS FOR THE GRANT OF TWO ADDITIONAL PRIVATE CAR OPERATOR LICENCES**

A representative of the applicant company, Mr B, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the grant of two additional private car operator licences (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the record of the applicant company's Directors.

Mr B spoke in support of his company's application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the additional licences subject to the standard conditions.

**CL75. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE**

The applicant, Mr F, was not in attendance. The Director of Development Services advised the Committee that the applicant had contacted the Licensing Co-ordinator the day prior to the meeting to confirm that he would be in attendance at the meeting. The applicant not being in attendance, with no explanation having been given, the Committee agreed that the matter be dealt with in the applicant's absence.

Inspector Fleming and Sergeant Simpson, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the grant of a window cleaner licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the applicant's record.

The Director of Development Services advised the Committee of the relevance of the applicant's spent convictions following which the

Committee resolved that justice could not be done except by admitting said convictions as part of the process.

Inspector Fleming spoke in amplification of the Police's objection, a copy of which had been circulated to the Committee.

Questions were then asked by Members of the Committee.

**AGREED** to **REFUSE** to grant the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of the licence.

**CL76. APPLICATION FOR THE GRANT OF TWO ADDITIONAL TAXI OPERATOR LICENCES**

A representative of the applicant company, Ms McN, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the grant of two additional taxi operator licences (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the record of the applicant company's Directors.

Ms McN spoke in support of her company's application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission.

The representative, Ms McN, left and was then recalled to the meeting.

**AGREED** to **GRANT** the additional licences with a warning letter as to the previous and future conduct of the company's Directors and subject to the standard conditions.

**CL77. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr P, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the grant of a new taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the applicant's record.

Mr P spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED:-**

- (1) that the applicant be given a final opportunity to take and pass the knowledge test, and subsequently to provide evidence that he has passed the Council's medical test and thereafter to remit to the Director of Development Services to grant the application for a period of 6 months together with a warning letter;
- (2) that on any application for the future renewal of the licence, the application should be determined by Committee; and
- (3) that should the applicant fail either of the knowledge or medical tests, to authorise the Director of Development Services to refuse the application without further reference to Committee.

**CL78. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr R, entered the meeting.

There was submitted Report (circulated) dated 4 February 2010 by the Director of Development Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) confirming the applicant's record.

Mr R spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** to **CONTINUE** consideration of the application to obtain information from Central Scotland Police in relation to the detailed circumstances of the offences which gave rise to the applicant's unspent fixed penalties.